
SUPER 8 MOTELS, INC.,

Plaintiff,

-vs-

SAI KRUPA, INC., et al.,

Defendants,

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Civil Action No. 06-4972 (JAG)

REPORT AND RECOMMENDATION

Raksha Patel and Panna Patel are individual defendants and defendant Sai Krupa, Inc. (“Sai Krupa”) is a corporate entity in the above civil action. On April 2, 2007, pro se defendants Sai Krupa and Raksha Patel filed an Answer and Affirmative Defenses to plaintiff’s Complaint and asserted a Counterclaim against plaintiff. (Docket Entry No. 13).

The Court held a scheduling conference on August 6, 2007. Defendants Raksha and Sai Krupa failed to appear. On August 9, 2007, this Court entered an Order to Show Cause why monetary/reprimand sanctions should not be imposed pursuant to Fed. R. Civ. P. 16(f) against defendant Raksha Patel for failure to attend the in-person scheduling conference on August 6, 2007. In addition, the corporate defendant, Sai Krupa was directed to show cause why its Answer should not be stricken because it is not represented by counsel as required by Simbrow v. United States, 367 F.2d 373 (3d Cir. 1966). The Court scheduled the return date on the Order to Show Cause for September 13, 2007, which was subsequently adjourned until September 28, 2007.

On September 28, 2007, Matthew Schultz, Esq., appeared at the conference by telephone on behalf of plaintiff, Super 8 Motels. Adam Glinn, Esq., appeared by telephone on behalf of defendant

Panna Patel. Pro se defendant Raksha Patel appeared by telephone. No party or counsel appeared on behalf of defendant Sai Krupa.

Pursuant to settled Third Circuit law, corporations cannot represent themselves pro se. See Simbraw v. United States, 367 F.2d 373, 374 (3d Cir. 1966). Therefore, I recommend that the District Court strike the Answer, Affirmative Defenses, and Counterclaim of corporate defendant Sai Krupa (Docket Entry No. 13) and enter default against it. The parties have ten (10) days from the date hereof to file and serve objections.

s/Madeline Cox Arleo

MADELINE COX ARLEO

United States Magistrate Judge

Original: Clerk
cc: Hon. Joseph A. Greenaway, Jr., U.S.D.J.
Parties
File